

## DECLARATION FOR PATENT APPLICATION

Docket No. 8006-009

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **IN VIVO SENSOR AND METHOD OF MAKING SAME** the specification of which:

\*\* check one \*\*

☒ is attached hereto.

☐ was filed on \_\_\_\_\_

as Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.

FILING DATE

STATUS

PATENTED, PENDING, ABANDONED

## POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David G. Rosenbaum Reg. No. 31,872

Send Correspondence to:  
David G. Rosenbaum  
ROSENBAUM & ASSOCIATES, P.C.  
875 North Michigan Avenue  
Suite #3653  
Chicago, Illinois 60611

Direct Telephone Calls to:  
David G. Rosenbaum (312) 397-0303

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of joint inventor: Steven R. Bailey

Inventor's signature



Date 2-14-01

Residence: 3 Knoll, San Antonio, Texas 78232

Citizenship: USA

Post Office Address: Same as above.

DECLARATION FOR PATENT APPLICATION  
Continued

Docket No. 6006-009

Full name of joint inventor: Christopher T. Boyle

Inventor's signature Christopher T. Boyle Date 2/13/01

Residence: 5100 USSA Boulevard, #1624, San Antonio, Texas 78240

Citizenship: USA

Post Office Address: Same as above.

Full name of joint inventor: Denes Marton

Inventor's signature [Signature] Date 2/13/2001

Residence: ~~43230 Blanco Road, #601, San Antonio, Texas 78278~~

11015 Whisper Hollow, San Antonio, Texas 78230

Citizenship: USA

Post Office Address: Same as above.

Full name of joint inventor: Christopher E. Bansa

Inventor's signature Christopher E. Bansa Date 2-13-01

Residence: 102 Rock Squirrel, San Antonio, Texas 78231

Citizenship: USA

Post Office Address: Same as above.

Applicant or Patentee: Bailey, et al.  
Serial or Patent No.:  
Filed or Issued:  
For:

Docket No.: 8008-009

IN VIVO SENSOR AND METHOD OF MAKING SAME

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. § 1.9(F)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN Advanced Bio Prosthetic Surfaces, Ltd.

ADDRESS OF CONCERN 4778 Research Drive, San Antonio, Texas 78240

I hereby declare that the above-identified small business concern qualifies as a small business concern defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concern are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention entitled: IN VIVO SENSOR AND METHOD OF MAKING SAME by Inventor(s) Steven R. Bailey, Christopher T. Boyle, Dones Marion, and Christopher E. Banas.

- ☒ the specification filed herewith  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application for patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Christopher E. Banas

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 4778 Research Drive, San Antonio, Texas 78240

SIGNATURE

Christopher E. Banas

Date: 2-13-01